

REMARKS

The listing of claims has been corrected to list cancelled claim 2.

Claims 1, 4-5, and 7-8 are pending in the present application. Claim 9 has been cancelled. Claim 1 has been amended by incorporating the subject matter of Claims 2 and 3 therein; Claims 2 and 3 have been cancelled. No new matter has been introduced by the amendment.

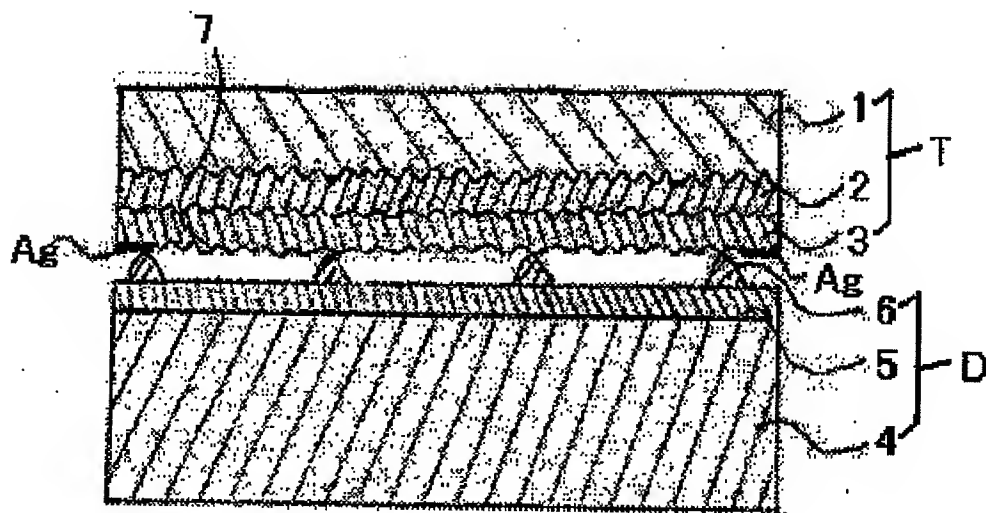
CLAIM REJECTIONS UNDER 35 USC § 102

Claims 1, 4-5, 7, and 8 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Hara Chie et al. (JP 08-281856; "Chie").

Amended Claim 1 recites, *inter alia*, a second transparent base material facing said first transparent base material with a clearance therebetween and having a second transparent resistance film disposed on a face thereof opposing said first transparent resistance film; the face of at least one of said first transparent base material or said second transparent base material opposing the other of said second transparent base material or said first transparent base material, respectively, having a plurality of ridge portions formed therein.

The Applicant respectfully submits that the reference does not describe a similar structure. In the Office action, Chie is said to disclose "a second transparent film (3) disposed thereon opposing said first transparent resistance film (3b), plural ridge portions (3, the zigzag electrode)....." This is seen to best advantage in FIG. 3 of the reference. One may observe that the faces of neither the first (1) nor the second (1b) transparent base layer have ridge portions (3 zigzag electrode) formed therein.

The examiner alleges the cross-sectional views in Drawing 1 and 3 disclose the ridge portions have a polygonal shape in section and are projected strips longitudinally extending in one direction. However, there is no basis for the examiner's assumption. The examiner cannot assume that the cross-sectional views are the same at all depth from the drawings without some indication of this in the reference. The cross-sectional views can be different at different longitudinal depth. That is, the drawing that the examiner relies on merely shows a rough surface (2 in Drawing 3) at one cross-section. The rough surface in the drawing may have random irregularities or undulations. For example, Noda Kazuhiro et al (JP 11-250764) in the abstract and the following figure disclose a rough, irregular surface 7. The text refers to this surface as having irregularities. There is no indication or suggestion that the rough surfaces shown are ridges extending in one direction. In fact, the reference to irregularities indicates that there is no pattern to the surface, yet the cross-sectional view of this surface is similar to the one in the figure relied on by the examiner. A cross-sectional view taken at another line in the drawing relied on by the examiner may have a totally different shape than that shown in the drawing. There is simply no basis in this reference to assume that what shown in the sectional view are ridges. Therefore, Hara Chie et al do not teach or suggest the ridge portions are projected strips longitudinally extending in one direction.



As such, not all of the elements and limitations, and the arrangement thereof, are found in the reference, and the Applicant respectfully submits that Claim 1 is not anticipated, and is allowable. Claims 4, 5, 7 and 8, being claims dependent on an allowable base claim are allowable, without more.

CONCLUSION

Claims 1, 4, 5, 7 and 8 are pending.

Based on the above remarks, Applicant respectfully submits that the claims are in condition for allowance. The Examiner is kindly invited to contact the undersigned attorney to expedite allowance.

Respectfully submitted,

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